IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17902 of 2004

Between:

G. Swamy, S/o. G. Yadagiri,
R/o. 1-9-20/A/3, Ramnagar, Hyderabad.

..... PETITIONER

AND

1 Municipal Corporation of Hyderabad, rep. by its Commissioner, Tank Bund, Hyderabad.
2 The Asst. City Planner, Circle III, Municipal Corporation of Hyd, Hyderabad.
3 Mandal Revenue Officer, Musheerabad Mandal, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not receiving and processing the building application stating that it is not accompanied by no objection Certificate from the Revenue Department and TSLR Certificate as illegal, arbitrary and consequently direct the respondents to receive and process the application for construction of building in Municipal No.1-9-20/A/3, situated at Ramnagar, Hyderabad without insisting for the no objection Certificate and TSLR certificate.

Counsel for the Petitioner:MR.P.JAGADISH CHANDRA PRASAD

Counsel for Respondents 1 and 2 : MR.G.RAMA RAO

Counsel for the Respondent No.3: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard the learned counsel for the petitioner, learned Standing Counsel for respondents 1 and 2 and learned Government Pleader for respondent No.3. At their request, the writ petition itself is being taken up for final disposal.

The only grievance ventilated by the petitioner is that, when he applied for permission for construction of a building, in the property purchased by him, the same has not been received by the respondents 1 and 2, on the ground that he has to produce the 'no objection certificate' and 'TSLR certificate', for the purpose of approval of the plan.

In view of the law declared by this Court in ***HYDERABAD POTTERIES PRIVATE LIMITED v. DISTRICT COLLECTOR, HYDERABAD,*** and as affirmed by a Division Bench of this Court in W.A.No.1096 of 2001, the Municipal Corporation cannot insist for production of 'no objection certificate', but survey and land records certificates must be produced.

In the light of the above decisions, as and when the petitioner applies for permission for construction of a building, the respondents shall not insist for production of 'no objection certificate', and consider the same and pass appropriate orders in accordance with law.

The writ petition is disposed of accordingly. No order as to costs.

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A.GOPAL REDDY,J

Dated:05-10-2004

GJ

To

1 The Commissioner, Municipal Corporation of Hyderabad, Tank Bund, Hyderabad.
2 The Asst. City Planner, Circle III, Municipal Corporation of Hyd, Hyderabad.
3 Mandal Revenue Officer, Musheerabad Mandal, Hyderabad.

4. Two C.Cs. to the Government Pleader for Revenue, High Court of Andhra Pradesh, Hyderabad(OUT)

5. Two C.D. copies.